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Chairman: Mr. Mochochoko ..... (Lesotho)

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The meeting was called to order at 3.20 p.m.

Agenda item 160: Measures to eliminate international terrorism (*continued*) (A/54/37, A/54/301 and Add.1; A/C.6/54/2; A/C.6/54/L.1 and L.2)

1. **Mr. Al-Saidi** (Kuwait) said that terrorism, which had widened in incidence and scope during recent years, was the product of an extremism which was unconnected to any specific geographical region, culture or religion. With its dangers sweeping the entire globe, terrorism constituted a major concern of the international community.

2. In that context Kuwait had adopted various legal and practical measures, particularly in regard to aviation safety, with a view to cooperating in the efforts to combat terrorism. It had also acceded to most of the international conventions on terrorism and had signed the Arab Convention on the Suppression of Terrorism. It shared the view that the capacity of the International Crime Prevention Centre of the United Nations Secretariat must be increased with a view to strengthening international cooperation in that area. It also supported the convening of a high-level conference in 2000 under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

3. Efforts aimed at combating terrorism, including the elaboration of a comprehensive legal framework of conventions and the prosecution and trial of those who perpetrated acts of terrorism, should also continue unabated, although it was important to maintain a distinction between terrorism and the struggle of peoples for self-determination. It was equally important that all countries should cooperate to provide the resources needed to combat terrorism, in which connection his delegation supported Security Council resolution 1269 (1999). With a view to eliminating terrorism, States should be encouraged to accede to the relevant international and regional conventions and other conventions should be elaborated to cover any existing gaps. It was also vital that the members of the international community should arrive at a definition of terrorism and ensure non-interference in the internal affairs of States, as well as refrain from any form of activity relating to or in furtherance of terrorism.

4. His delegation condemned all forms of terrorism, the most serious being State terrorism, which Kuwait had experienced during the Iraqi invasion. The Iraqi Government was continuing to hold in its prisons hundreds of Kuwaiti and other nationals whom it had captured during its occupation of Kuwait and remained under obligation to resume cooperation with the committees formed to determine the whereabouts of such prisoners.

5. **Mr. Al-Kadhe** (Iraq), speaking on a point of order, stated that the Kuwaiti representative should refrain from commenting on matters which were the concern of the Security Council and thus irrelevant to the item under discussion.

6. **Mr. Gao Feng** (China) said that the international community had long waged war against international terrorism, but the phenomenon was yet to be eradicated. It might be that international measures did not address the root causes of terrorism. Effective cooperation in good faith on the part of the entire international community and integrated and multidimensional action were required. If no action was taken but instead its root causes were deliberately created and protected, it would not be possible to suppress international terrorism.

7. His Government, which was committed to establishing a just and rational new international order, had acceded to most of the anti-terrorist conventions, fulfilled its convention obligations, engaged in bilateral agreements and adopted a series of domestic measures. Its approach was positive and sincere.

8. His delegation congratulated the Ad Hoc Committee established by General Assembly resolution 51/210 on formulating, within a few short years, the International Convention for the Suppression of Terrorist Bombings and the draft international convention for the suppression of the financing of terrorism (A/C.6/54/L.16) — a development of great significance and a major effort that his Government would actively support — in addition to concluding preliminary deliberations on the draft convention on the suppression of acts of nuclear terrorism. The manifestations of international terrorism were, however, increasingly complex and multifarious. Consideration should therefore be given to the early formulation of a comprehensive international convention. It would be difficult, but so long as action was taken in a cooperative spirit an appropriate solution could be found. Meanwhile, the measures contained in the existing conventions should be further strengthened.

9. **Ms. Randrianarivony** (Madagascar) said that international terrorism aimed to destabilize international peace and security and was a major obstacle to countries' economic and social development. Constant vigilance and stronger international cooperation were required to combat the phenomenon.

10. On 1 October 1999 her Government had signed the International Convention for the Suppression of Terrorist

Bombings. It had also recently acceded to various international anti-terrorist conventions, including the International Convention against the Taking of Hostages, of 1979, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973, and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 1988. The Government had also undertaken ratification of the Convention on the Marking of Plastic Explosives for the Purpose of Detection, of 1991.

11. Within her country, measures had been taken to reassure the foreign community and investors by mounting a permanent anti-terrorist operation round diplomatic missions. At the regional level, her delegation welcomed the adoption of the Organization of African Unity Convention on the Prevention and Combating of Terrorism in July 1999. Her country had also taken an active part in the regional meeting for Africa held in Kampala in December 1998 to prepare for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which had recommended that the struggle against terrorism should be strengthened, given the serious threat that it posed to human rights and stability, and that the Congress should examine deficiencies in extradition procedures, prosecution and asylum legislation, and display greater vigilance and international solidarity against terrorism. Her Government also aligned itself with the position taken at the Twelfth Conference of Heads of State or Government of the Movement of Non-Aligned Countries in 1998. It supported unreservedly the work on the two draft conventions by the Ad Hoc Committee and hoped that the draft international convention for the suppression of the Financing of Terrorism would be adopted at the current session. Concerted efforts were the best way of combating terrorism; measures taken by countries on their own would not suffice.

12. **Mr. Chimimba** (Malawi) said that his Government had always advocated the total elimination of nuclear weapons and other weapons of mass destruction and therefore had no difficulty in supporting the initiative by the Russian Federation for a convention on the suppression of acts of nuclear terrorism. The danger of nuclear weapons, material or know-how falling into the wrong hands was as real as the consequences were potentially devastating. Recognizing that the issues at stake were critical and based on principled positions, his delegation was ready to help overcome differences that had impeded earlier adoption of the draft convention.

13. He welcomed the completion of the draft international convention for the suppression of the financing of terrorism. Although his delegation had had difficulties with some of the approaches taken to define the scope of the draft convention, it was ready to join in its adoption, which closed a loophole in terrorist activities.

14. The achievements of the international community, especially the United Nations, over the past three years in finding practical ways of combating international terrorism had been remarkable. He also commended the adoption of the Organization of African Unity Convention on the Prevention and Combating of Terrorism in 1999. Tragic events in the recent past were a clear reminder that the international community must remain vigilant and respond quickly and resolutely to threats that arose. The Ad Hoc Committee had a modest but crucial function in that regard: it must complete its mandate and elaborate a comprehensive legal regime to deal with international terrorism.

15. His Government was party to 5, and signatory to 1, of the global instruments listed in the Secretary-General's report (A/54/301). The Hijacking Act, which prescribed penalties commensurate with the seriousness of the crimes it proscribed, gave domestic effect to three of those instruments. The Government was studying the remaining instruments with a view to ratifying or acceding to them at the earliest opportunity. It had also entered into numerous bilateral air services agreements which had robust aviation security provisions.

16. **Mr. Hetesy** (Hungary) said that his delegation endorsed the statement by Finland on behalf of the European Union at the 31st meeting of the Sixth Committee. His Government had consistently supported the establishment of a global system based on a unified international approach and effective cooperation. Tangible results had already been achieved. The draft international convention for the suppression of the financing of terrorism, elaborated after wide-ranging, heated but always professional deliberations, had a far broader scope than previous related conventions and would raise international cooperation to a new level. Adoption however, would be only the first step. Success would be measured by the level of international acceptance and implementation. The progressive nature of the draft convention would make its incorporation into national legal systems more difficult than had been the case with earlier conventions. For example, it called for prosecution or extradition for acts that were not yet criminalized in all States. His Government, as a party to all the major terrorism-related conventions, except the International Convention for the Suppression of Terrorist Bombings, which it planned to sign before the end of the year, would do its best to become

party to the draft convention and would use the established frameworks for cooperation with the European Union to solve all outstanding issues.

17. His delegation was concerned at the protracted negotiations on the draft convention on the suppression of acts of nuclear terrorism, which was ripe for adoption. Although its scope had remained a major stumbling block, that could be clarified while preserving the status quo in other fields, such as disarmament, without blocking the possibility of future legal and practical developments in those areas. The Working Group of the Sixth Committee had put forward some balanced and encouraging proposals. The speedy adoption of the draft conventions would provide a further basis for deterrence and facilitate the start of discussions on the draft convention proposed by the representative of India and the convening of a conference on further international cooperation against terrorism.

18. **Mr. Perera** (Sri Lanka) said that his country was all too familiar with the devastating impact of terrorism on the lives of innocent people and on the process of seeking political solutions to national issues. The task before the international community was therefore to send out a strong message that terrorism against unarmed civilians was morally repugnant and legally unacceptable. His Government was party to six of the international conventions adopted over the years by the United Nations, including the most recent, the International Convention for the Suppression of Terrorist Bombings, which had been given effect at the national level through the enactment of the Suppression of Terrorist Bombings Act No. 11 of 1999. Measures were also under way to enable the Government to accede to most of the remaining conventions. That testified to the priority that the Government attached to United Nations initiatives to eliminate international terrorism.

19. His delegation was firmly committed to the adoption of the draft international convention for the suppression of the financing of terrorism. Funds collected by terrorist groups in foreign countries, often through front organizations with ostensibly charitable, social or cultural goals, were a major source of sustenance for their activities and the need to deprive terrorists of such financing was increasingly recognized. He associated his delegation with the words of caution by the Chairman of the Ad Hoc Committee against reopening the text, which had been carefully negotiated in both the Ad Hoc Committee and the Working Group. In addition to the well-tried "extradite or prosecute" regime, the draft Convention contained several new elements, taking into account the complexities of international fund-raising activities for terrorism. Its effective implementation would require the adoption of domestic measures by States to enable their financial institutions to prevent and counteract the international movement of funds for terrorism. Such measures would be crucial in countering the fund-raising networks of terrorist groups.

20. Unlike existing anti-terrorist conventions, which addressed manifestations of terrorism already experienced, the draft international convention for the suppression of acts of nuclear terrorism addressed the increasing possibility of nuclear material falling into unlawful hands. His delegation hoped that a compromise solution could be found to the one outstanding issue on the scope of application of the convention.

21. Some emerging trends in terrorist operations could assume critical proportions if not countered through enhanced international cooperation. Terrorist groups were resorting to electronic communications for international fund raising, often through front organizations ostensibly for humanitarian purposes. Another problem was the abuse of refugee status by supporters and sympathizers of terrorist groups abroad, particularly to raise financing. Organized trafficking of persons into foreign countries also provided terrorists with a source of income through extortion. His delegation was pleased that the declaration adopted in 1996 as an annex to General Assembly resolution 52/210 made it clear that the Convention relating to the Status of Refugees should not provide a basis for the protection of perpetrators of terrorist acts.

22. Convinced that concerted international action was necessary to eliminate international terrorism, his delegation welcomed the proposal by India to elaborate a comprehensive convention on international terrorism and the proposal by the Non-Aligned Movement to convene a high-level conference in 2000 under the auspices of the United Nations to further strengthen international cooperation against terrorism.

23. **Mr. Yusoff** (Malaysia) said that it was incumbent on the international community to define the term "terrorism" to avoid misinterpretation. None of the anti-terrorist conventions so far elaborated had defined it, and only one even mentioned the word "terrorist" in the title. His delegation understood the ordinary meaning of the term "terrorist" to be a person who used violence to threaten or harm the public for the purpose of imposing demands on Governments, organizations or groups. The costs involved in combating terrorism diverted scarce resources that could otherwise be used for development. Malaysia reiterated its strong condemnation of all acts of terrorism as criminal and

unjustifiable, regardless of motivation, wherever and by whomsoever committed.

24. His delegation viewed with alarm the enormous devastation which could be unleashed through acts of nuclear terrorism and believed that one of the most effective means of suppressing nuclear terrorism was nuclear disarmament, leading to the ultimate elimination of nuclear weapons. States had an obligation not only to pursue disarmament negotiations in good faith but also to bring them to an early conclusion. The creation of further nuclear-weapons-free zones, like those already established in South-East Asia, Africa, the South Pacific and Latin America and the Caribbean, would be a major step in promoting nuclear non-proliferation and hence in reducing the threat of nuclear terrorism.

25. Malaysia fully concurred with the views expressed in the Committee the year before by Zimbabwe on behalf of the Non-Aligned Movement with regard to the draft international convention for the suppression of acts of nuclear terrorism. The issues of concern included but were not limited to the provisions of the preamble, article 1 and article 4 of the draft.

26. The draft international convention for the suppression of the financing of terrorism being elaborated on the initiative of the French delegation would fill a gap left by previous anti-terrorist conventions. However, since a number of its provisions had far-reaching implications, his delegation needed more time to study it.

27. It was encouraging to note in the report of the Secretary-General (A/54/301 and Add. 1) that many States had entered into agreements at the regional and international levels for the prevention and suppression of international terrorism. Malaysia was party to several of the international legal instruments related to terrorism and was considering ratifying the rest. In negotiating such instruments, it was important to take into account the views of all Member States and to strive for consensus on contentious issues, so that the conventions would truly reflect the collective will of the international community. His delegation supported the collective position stated at the Twelfth Conference of Heads of State or Government of Non-Aligned Countries held at Durban, South Africa, on the need for a comprehensive international convention on terrorism.

28. His Government had found the training programmes and seminars and workshops on aviation security organized by the International Civil Aviation Organization very useful in developing its own national aviation security training programme on combating and preventing incidents of unlawful interference with civil aviation.

29. **Mr. Diab** (Lebanon) said that his country was endeavouring to strengthen its laws to punish acts of terrorism, to which end it had acceded to several of the international conventions on terrorism and remained committed to effective international cooperation for the development of international law to combat the danger of terrorism. In that connection, it was essential to understand the roots of terrorism and the problems which it created, rather than simply to address its violent aspects and seek stability from a narrow political perspective. In elaborating conventions on terrorism, it was important to maintain a clear distinction between terrorism and the struggle of peoples to resist occupation and realize their right of self-determination, particularly since the realization of that right eliminated a major cause in the spread of violence and unrest. The resistance of the Lebanese people, for example, against the highly repugnant form of terrorism constituted by the Israeli occupation of their territory was but a form of struggle for freedom and of legitimate self-defence. State terrorism was more serious than terrorism by individuals, as illustrated by the arbitrary practices which Israeli forces carried out against the inhabitants of the occupied Arab territories. Referring to the many Lebanese detainees held in Israeli prisons in breach of international conventions, he said he regretted the silence of the international community in the face of such terrorist crimes, which proved the existence of double standards.

30. He emphasized that the legal framework to combat terrorism should observe the fundamental principles enshrined in the Charter of the United Nations in connection with the right to resist occupation and achieve self-determination. He therefore welcomed the reference to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations contained in the preambles of the draft international convention for the suppression of the financing of terrorism and the draft international convention for the suppression of acts of nuclear terrorism. However, in the absence of any specific definition of terrorism, both would continue to suffer substantial gaps, as in the case of the other conventions on the subject. Of these, the International Convention for the Suppression of Terrorist Bombings contained the most explicit definition, but it did not yet have enough signatures to enter into effect. Similarly, the scope of the draft international convention for the suppression of acts of nuclear terrorism was still a matter of great controversy, particularly in connection with State terrorism. Echoing the view of the Movement of Non-Aligned Countries, he cautioned against using the same language used in the International Convention for the Suppression of Terrorist Bombings and also stressed that the draft

convention should cover the subject of the illicit collection of radioactive waste, which should be regarded as a form of nuclear terrorism.

31. He hoped that those issues would not be considered from a purely political viewpoint, which would undermine international cooperation to combat terrorism and pose real difficulties in connection with interpreting the duties and commitments of States towards such conventions. It was essential to strive anew to redress such flaws with a view to achieving a more successful convention that responded to the needs of different legal systems. Moreover, solving those difficulties at the present stage would facilitate future work on the draft comprehensive convention on international terrorism. In conclusion, he said that he looked forward to the convening of a high-level conference under the auspices of the United Nations to formulate a joint organized response to terrorism in all its forms and manifestations and to genuine constructive cooperation with Committee members in the task of elaborating conventions which responded to all hopes.

32. **Mr. Hoffman** (South Africa) said that in its deliberations on the draft conventions before it, the Committee should bear in mind that its success or failure would affect the lives of the people of the world. Terrorism by its nature undermined the standards of life and the human rights that the Charter of the United Nations called upon Member States to promote and protect. As the world grew smaller through globalization, no State, and hence no individual, was immune from the effects of terrorism.

33. South Africa therefore reiterated its unequivocal condemnation of terrorism in all its forms and its support for the efforts of the international community to eliminate terrorism. The Government was continuing the process of reviewing national legislation to enable the country to ratify the existing international conventions on terrorism and encouraged other States to do the same. Only concerted international cooperation could ensure that terrorists found no safe haven in any corner of the world. Significant regional initiatives had also been taken. During the past year, for example, the Organization of African Unity had adopted a convention on preventing and combating terrorism.

34. Although the draft international convention on the suppression of the financing of terrorism was not the perfect legal instrument, his delegation was convinced that it was the best that could be obtained in the circumstances and would make a valuable contribution. One of the most effective means of combating criminal activity was to cut off sources of financing. The principle underlying the convention, that all forms of support to terrorists must be eradicated, was one of the basic tenets of international cooperation against terrorism.

35. It was worth considering, however, whether the continuous elaboration of limited ad hoc conventions on terrorism was an effective use of resources. The framework of international conventions on measures to eliminate terrorism so far constructed was impressive, but in elaborating each new instrument it became increasingly difficult to avoid redundancies and contradictions with existing conventions and other international law initiatives. The consequent resort to sophisticated legal mechanisms to circumvent those difficulties obscured the intent of the text and left too much to the discretion and interpretation of the States parties. A series of specific terrorist acts had been identified without ever defining the term "terrorism".

36. Moreover, the adoption of a long series of conventions resulted in a costly and time-consuming process of review and amendment of domestic law in each case prior to ratification. Those resources might better be spent in implementing the spirit of the conventions.

37. Although many outstanding issues on the substance of terrorism remained, they could no longer be sidestepped. It was time to heed the call made at the Twelfth Conference of Heads of State or Government of Non-Aligned Countries in 1998 for an international summit conference under the auspices of the United Nations on international terrorism, a call reiterated by the Heads of State and Government of the Organization of African Unity in July 1999. The General Assembly in resolution 53/108 had decided that the question of convening a high-level conference should be addressed during the present session of the General Assembly. His delegation believed that the time was ripe for a frank and forward-looking debate on proactive approaches by the international community to terrorism in all its forms.

38. The Committee, too, was at a crossroads. It should take up the challenge of elaborating a comprehensive convention on terrorism, consolidating previous gains but addressing the issue of terrorism squarely, and it must be prepared to devote sufficient time to that complex but imperative task.

39. **Mr. Obeid** (Syrian Arab Republic) said that his country had always condemned all forms of terrorism, whether perpetrated by individuals, groups or States acting alone or in concert with others. Terrorism was unacceptable in times of peace or war. It was, however, important to differentiate between pure terrorism and legitimate national struggle against foreign occupation. It was therefore important that an international conference should be held in order to agree on a definition of terrorism and distinguish it from national liberation. He recalled General Assembly

resolution 53/108 which had noted that the Twelfth Conference of Heads of State or Government of Non-Aligned Countries had called for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations.

40. With regard to the draft international convention for the suppression of the financing of terrorism, his delegation had noted that the amendments it had proposed, which represented the concerns of a number of States, had not been made in the draft, and that the draft remained vague. The terms "financing" and "international terrorism" had not been defined. The draft convention dealt with persons who provided or collected funds for the purposes of terrorism, and made no mention of States, while State terrorism was a much more serious problem, as had been emphasized in Security Council resolution 1269 (1999). Instead of providing a definition of "financing", the draft completely ignored the term. While the terms "acts of terrorism" and "terrorism" appeared in the preamble to the draft convention, they were not defined in the body of the text. In the absence of any definitions, he believed that the convention in its current form would lead to disputes between States. Despite the fact that his delegation had made repeated requests for discussion of its proposed definition of terrorism whose funding would constitute a criminal act, its proposals had been ignored. It was disturbing to realize that the definition of terrorism had been left for those in power to decide, rather than those who applied the law. He firmly believed that there was no justification for the abuse of power.

41. He wished to point out yet again that the proposal submitted by his country, contained in document A/C.6/54/WG.1/CRP.24, while correctly rendered in English, was incomplete and distorted in the Arabic version, despite having been correctly submitted on three separate occasions. He regretted that the proposals put forward in that document had not been included for discussion by the Working Group and had merely been referred to in paragraph 99 of document A/C.6/54/L.2 under "further proposals for article 2". Other oral and written proposals submitted by his country alone or in concert with other countries had been similarly ignored. His delegation therefore could not agree that intent should constitute an offence if none of the acts specified in article 2 of the draft convention had been committed.

42. Any draft that had not been properly discussed, but was presented with the ultimatum "take it or leave it" could not meet the specifications for international codification, but must be considered as a political declaration. His delegation had made that point on many previous occasions and wished to reiterate it yet again, for the record. Although other delegations had expressed support for his country's position, pressure was being brought to bear in order to ensure acceptance of the whole package. The issue must be fully and properly discussed and consensus reached. The conditions necessary for consensus did not exist. His delegation therefore deeply regretted its inability to support a draft convention in which it had no confidence. It would be difficult for a draft that had not been properly discussed to be adopted unanimously. As it was, the draft represented an attempt to impose the convention as a fait accompli. The Working Group had not stated that it had reached consensus on the articles of the draft convention. His delegation had therefore been very surprised by the statement made to the Sixth Committee by the Chairman of the Working Group to the effect that while not all delegations had been satisfied by the draft and some had expressed their reservations with regard to certain formulations, he cautioned against reopening the instrument for discussion and recommended that the Committee should adopt the draft convention. With all due respect to the Chairman of the Working Group, his delegation believed that the oral report he had made represented only his personal views. He therefore believed that the Working Group must be given the opportunity to consider the proposals made with regard to the draft convention and that due respect should be given to the concerns of his own and many other delegations. The formulation of articles 1 and 2 needed a great deal of improvement. The draft should be referred to the Ad Hoc Committee for proper consideration in order to permit a consensus to be reached.

43. With regard to the draft international convention for the suppression of acts of nuclear terrorism, his delegation reiterated its support for the position adopted by the Movement of Non-Aligned Countries. The excellent work done by the Ad Hoc Committee and the Working Group represented a step in the right direction. It was, however, restricted by the fact that it had only dealt with acts of nuclear terrorism committed by individuals, and had failed to include nuclear terrorism committed by States. It was difficult to imagine that ordinary individuals could commit acts of nuclear terrorism without the support of States. While the work that had already been done was greatly appreciated, the Movement of Non-Aligned Countries, which represented 113 States, together with numerous other States from different groupings, had expressed concern and reservations with regard to the formulation of the articles of the draft convention. It was vital that such an important international convention should not draw the cloak of legitimacy over State terrorism, which was infinitely more dangerous than

any act committed by an individual. Security Council resolution 1269 (1999) had noted the significance of acts of international terrorism in which States were involved. It was surprising that the international community should criminalize acts of nuclear terrorism while failing to do the same for the use or threat of use of nuclear weapons, which were the most dangerous of all weapons of mass destruction. The problem of terrorism was compounded by a reluctance to call things by their proper names and by a deliberate vagueness that allowed hostile accusations to be levelled against certain peoples, despite the absence of any supporting evidence.

44. A new form of terrorism, namely, intellectual terrorism, was continually bringing pressure to bear on peoples and individuals alike with a view to persuading victims that they should accept attacks on their freedom and rights without putting up any resistance. Legitimate resistance such as that of the people of south Lebanon, whose territory had been occupied since the Israeli invasion of 1978, was designated as terrorism. Since 1967, the Syrian Arab Golan had been occupied by Israel, its people expelled from their homes and their lands expropriated; those who had stayed were subject to all manner of oppression and Israeli settlements had been established and remained there, in the face of the relevant Security Council resolutions. That could only be described as terrorism and an ongoing criminal act. The Syrian Arab Republic condemned all forms of terrorism, whether committed by an individual or by a State. Its behaviour in the Arab lands that it occupied made Israel a foremost perpetrator of State terrorism. There was no policy for dealing with State terrorism. Nevertheless, the Syrian Arab Republic was a party to a number of international and regional conventions concerning terrorism and looked forward to the beginning of serious work on the formulation of a comprehensive convention for the suppression of terrorism.

45. **Mr. Lavalle Valdés** (Guatemala) said that his delegation supported the statement that would be made by the delegation of Costa Rica on behalf of the Group of Central American States.

46. When the first international treaty against terrorism had been signed in 1963, a strong, although minimal, legal basis for combating terrorism had already existed for some time. Terrorist attacks, regardless of the circumstances, were very serious crimes which had always been punished by national penal codes. Such crimes included assassination, murder and physical injury, as well as criminal damage and other crimes against property. All such shameful acts were violations of natural law, known as *mala in se* as opposed to *mala prohibita*. Thus, States did not normally have to create new categories of offences in order to penalize the acts of terrorism characterized in the relevant international conventions. For over a hundred years there had been a series of treaties on extradition and judicial assistance that aimed to establish cooperation among States to fight international crime. Even before 1963, there had been some "international superstructure" to deal with terrorist attacks that went beyond a purely national context. The series of international treaties to which he had just referred was an essential complement to that structure, along with the declarations on terrorism adopted by the General Assembly by consensus in 1994 and 1996.

47. The risks associated with terrorist action were increasing, with the use of explosives that had horrendous effects. There was also concern that terrorist groups could make use of nuclear, chemical or biological weapons as well as the most recent developments in technology. Moreover, the growing internationalization of terrorism was keeping the world in a constant state of tension. The background to terrorist movements was international conflict, and terrorists aimed to achieve as much publicity as possible by means of attacks with an international dimension. The shadowy figures of what might be called the "rearguard of terrorism" could be acting from any country, and the sources of financing were equally international. People could become the victims of terrorist crimes in any part of the world. The international nature of terrorism was also reflected in the activities or circumstances of its victims. They were often performing international public duties, or were abroad on business or as tourists. Furthermore, the amount of death and destruction that could be caused by terrorist attacks also contributed to the international nature of the phenomenon: the greater the force of an explosion in a crowded area, the greater probability of there being foreigners among the victims. Terrorism also had links with drug trafficking and arms smuggling, activities which did not stop at national borders.

48. It was inconceivable that the General Assembly should urge States to ensure that their territories were not used as a terrorist base against other States if there was no danger of that actually happening. Another danger was the possibility that the right of asylum and corresponding institutions could be abused in support of terrorism. Most of the causes promoted by terrorist organizations already caused hostility between nations, and terrorism could clearly seriously jeopardize international peace and security.

49. Even greater efforts should therefore be made at all levels and in all areas to eliminate terrorism. It was a matter of great concern to his delegation that a number of difficulties seemed to be impeding the adoption of the draft

convention for the suppression of acts of nuclear terrorism. With respect to the adoption of the draft international convention for the suppression of the financing of terrorism, his delegation firmly supported draft resolution A/C.6/54/L.16. Guatemala therefore hoped that despite the comments of the previous speaker the Committee would be able to adopt the draft by consensus at the current session.

50. **Mr. Keinan** (Israel) said that the recent explosion of three pipe bombs in the coastal town of Netanya, Israel, had wounded at least 14 passers-by. The bombing had taken place one day before the renewal of permanent status negotiations between Israel and the Palestinians, talks that were to lay the groundwork for a final peace settlement. That brutal attack was a reminder that terrorism was not a theoretical issue, but a real and continuous hazard.

51. It had recently become evident that terrorism was not confined to certain countries or peoples, but had become an international menace to all. Extremist groups of different political and ideological streams had joined hands in an unholy alliance, which could leave no one indifferent or neutral. Indeed, neutrality on terrorism was no longer an option for any State, as the onlookers and bystanders of today were the victims of tomorrow. International terrorism knew no limits or boundaries. It had become a web of those who planned, supported, financed and gave refuge to terrorists, as well as States that sponsored and supported them. It not only affected those who were subject to its direct indiscriminate attacks, but it posed a real threat to international peace and security, and endangered the political process in the international arena, including the peace process in the Middle East.

52. The ongoing struggle against terrorism had to cover all fronts. First of all, States should take all the necessary measures within the framework of their domestic legislation and law enforcement policies. No less important, international cooperation in that struggle, on both the regional and international levels, was essential; that was a fact which had already been accepted and recognized in different international forums and recently by the United Nations Security Council. Less than one month previously, the framework for the joint international effort had been outlined in Security Council resolution 1269 (1999). In the concentrated global effort to combat international terrorism, the Sixth Committee was to promote international legal instruments, which would help the international community in its struggle to preserve peace and security.

53. Israel was party to most of the existing conventions and, as to the remainder, was either reviewing the possibility of accession or was already in the process of ratification. His delegation fully supported the resolution concerning the international convention for the suppression of the financing of terrorism. He also urged members of the Committee to participate in the speedy finalizing of the draft international convention for the suppression of acts of nuclear terrorism. Those two legal instruments, which expressed the clear determination of the international community, would be another milestone in the ongoing international effort to suppress terrorism.

54. **Mr. Al-Baharna** (Bahrain) said he welcomed the Secretary-General's report (A/54/301 and Add.1), which was the follow-up to the 1994 Declaration and General Assembly resolution 50/53. Although the Secretary-General had invited all States to subscribe to the Declaration, and provide all the necessary information, only a small number of States had responded. Bahrain therefore urged all States that had not yet done so to provide the Secretary-General with the information needed to implement the Declaration.

55. In his country, no specific anti-terrorist law existed, although the Penal Code contained penalties for crimes connected with terrorism. Over the past few years, Bahrain had adopted a series of security measures to protect the population against international terrorism. It had also acceded to many of the international conventions listed in the Secretary-General's report, including the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft, the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and its Protocol, and the Montreal Convention on the Marking of Plastic Explosives for the Purpose of Detection. As to regional cooperation, his country was a party to the Arab Convention on the Suppression of Terrorism. It was also studying the other conventions relating to terrorism and hoped to accede to them in the shortest possible time.

56. The Sixth Committee had made enormous progress in the past few years, and had adopted all the necessary legal instruments to enhance cooperation between States. He hoped the Committee would continue to play that role. The threat of international terrorism jeopardized international peace and security, which was vital for implementing programmes for developing countries. The international community had thus been compelled to make efforts to combat it, which had led to the adoption of General Assembly resolution 49/60 in 1994, supplemented by the 1996 Declaration. The Ad Hoc Committee had been given the task of developing a comprehensive legal framework of conventions dealing with international terrorism. The Sixth Committee should be in a position to adopt the draft

convention for the suppression of acts of nuclear terrorism at the current session. His delegation would continue to participate in the necessary negotiations and consultations.

57. Bahrain supported draft resolution (A/C.6/54/L.16) on the international convention for the suppression of the financing of terrorism. However, the Arabic text should be brought into line with the English version. The adoption of measures for the suppression of terrorism and the prosecution of terrorists would enable States parties to the convention to put an end to international terrorism.

58. Negotiations should be held on the preparation of a comprehensive convention on terrorism in all its forms, including an unambiguous legal definition of international terrorism. It was important to distinguish terrorism from the legitimate struggle of peoples for self-determination. Moreover, although measures had to be taken against States that were guilty of terrorist acts, it was unfortunately not always possible to distinguish such acts from legitimate acts of self-defence. It was also important to distinguish between State terrorism and terrorism on the part of individuals or groups of individuals who acted without the encouragement of States. The draft conventions before the Committee all dealt with particular aspects of international terrorism, but the international community required a comprehensive international convention that would cover all the elements to which he had just referred. The draft submitted by India at the fifty-third session of the General Assembly could serve as a basis for a working paper on such a convention.

Agenda item 154: United Nations Decade of International Law (*continued*)

(a) United Nations Decade of International Law (*continued*)

(b) Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference (*continued*)
(A/C.6/54/L.9*, L.10 and L.18)

59. **Ms. Flores Liera** (Mexico), speaking as Chairperson of the Working Group on the United Nations Decade of International Law, introduced draft resolution A/C.6/54/L.9*. She drew attention to the second and fifth preambular paragraphs and to operative paragraphs 1 and 6. In the seventh preambular paragraph, the word "interpretation" should be changed to "implementation" to reflect the agreement reached during informal consultations. She hoped that the draft resolution would be adopted without a vote.

60. *Draft resolution A/C.6/54/L.9*, as orally revised, was adopted.*

61. **Ms. Flores Liera** (Mexico), speaking as Chairperson of the Working Group on the United Nations Decade of International Law, introduced draft resolution A/C.6/54/L.10. After drawing attention to the third, fifth and seventh preambular paragraphs and to operative paragraphs 13 and 20, she said that some issues remained outstanding. She drew attention to a conference room paper containing several revisions that was before the members of the Committee.

62. First, the sixth preambular paragraph should be redrafted thus:

> "*Recognizing* that, *inter alia*, the establishment of the International Tribunal for the Former Yugoslavia in 1993, the International Tribunal for Rwanda in 1994, the International Tribunal for the Law of the Sea in 1996 and the adoption of the Rome Statute of the International Criminal Court in 1998 constitute significant events within the Decade."

63. Second, in the fourteenth preambular paragraph, the words "plenary meeting of the" and "held" should be deleted.

64. Third, a new paragraph 15 (b) should be added, reading:

> "*Recalls* that States have the obligation to solve their disputes by peaceful means, including resort to the International Court of Justice, and that one of the main purposes of the Decade is to promote full respect for the Court, in accordance with the relevant provisions of the Charter."

She hoped that, in the light of those revisions, the draft resolution would be adopted without a vote.

65. **The Chairman** drew attention to document A/C.6/54/L.18 containing a proposed amendment by Cameroon to draft resolution A/C.6/54/L.10.

66. **Mr. Tchatchouwo** (Cameroon), introducing document A/C.6/54/L.18, said that the proposed amendment reiterated Article 94, paragraph 1 of the Charter of the United Nations. For short-term reasons, some delegations found it difficult to accept the inclusion of the amendment in the draft resolution. His delegation found that surprising; at the conclusion of the Decade, it appeared essential for the international community to reaffirm the need for States to comply with the decisions of the International Court of Justice.

67. Since its inception, the United Nations had endeavoured to promote the peaceful settlement of disputes between States, including resort to the Court. It was unclear

what purpose would be served by resorting to the Court if States did not undertake to comply with its decisions. His delegation, having noted the hesitations, on the part of some delegations, had decided to withdraw its amendment out of concern for the preservation and strengthening of consensus. He expressed appreciation to those delegations which had supported the Cameroonian amendment during the debate.

68. **Mr. Ahipeaud** (Côte d'Ivoire), explaining his delegation's position before the adoption of the draft resolution, said that codification was not an intellectual exercise. The drafting of a norm and its application went hand in hand. Accordingly, if a State voluntarily accepted the jurisdiction of an international court and submitted disputes to it, it was logical to assume that the State was bound to accept the court's decisions.

69. His delegation found it difficult to discuss the achievement of the Decade without mentioning the decisions and jurisprudence of the International Court of Justice, which were among the sources of international law. Except in cases where the Court was requested to give an advisory opinion, its decisions were binding on the parties to a dispute before it. It was only reasonable to mention that idea in a General Assembly resolution, especially as it was clearly provided for in the Charter of the United Nations.

70. In the past three years, there had been much discussion of "preventive diplomacy", which was designed to prevent the outbreak of hostilities in a given conflict. As the Court was one of the principal instruments of preventive diplomacy, emphasis should be placed on the need to comply with its decisions. His delegation fully supported the Cameroonian amendment; nevertheless, as the amendment had been withdrawn, his delegation would not oppose the consensus on the draft resolution.

71. **Mr. Ekedede** (Nigeria) said that the Committee was a forum in which issues were discussed objectively. For that reason, his delegation had no difficulties with the text proposed by the coordinator, and viewed it as a balanced reflection of the relevant Charter provisions. As such, the text should allay the fears of some delegations as to possible non-compliance by States with the Court's decisions.

72. **Mr. Fruchtbaum** (Solomon Islands) said that his delegation would not join the consensus on the draft resolution. Paragraphs 15 to 18 of the text invited States and international organizations to continue their activities on behalf of international law. Under those circumstances, the sectors of society that had been largely ignored during the Decade -- children, non-university youth and adults who had never had the opportunity for higher education -- would continue to be ignored. It was precisely those people who must be reached, however, if the significance of international law was ever to be universally understood.

73. While the draft resolution called for encouragement to be given to the publication of books or other materials, the wide use of electronic media, including radio, television and the Internet, was not mentioned. The draft resolution referred to international organizations, but not to national or local ones, nor did it give much attention to the potential importance of non-governmental organizations or schools in fostering the widest appreciation of international law.

74. In paragraph 20, the General Assembly decided to continue considering developments in the implementation of the purposes of the Decade in the framework of agenda item 153. His delegation had proposed amendments aimed at widening the scope of the draft resolution on that item, just as it had done for the draft resolution under consideration.

75. *Draft resolution A/C.6/54/L.10, as orally revised, was adopted.*

The meeting rose at 6.15 p.m.